

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

| | |
|------------------|-------------------------------------|
| In Re: |) Chapter 7 Case No. 17-13105 |
| |) |
| Rochelle Johnson |) Bankruptcy Judge Arthur I. Harris |
| |) |
| Debtor |) |

MOTION TO DISMISS

Now comes Sheldon Stein, the Chapter 7 Trustee herein, and moves the court, pursuant to 11 U.S.C. §707(a), for an order dismissing this case. In support of this motion, the movant respectfully represents to the court as follows:

1. This case was filed by the debtor on May 26, 2017, under Chapter 7 of Title 11, U.S.C. The movant is the appointed Trustee.
2. The §341 meeting of creditors was scheduled for July 5, 2017, but debtor failed to appear, and also failed to provide his last filed tax return and other required documents requested by the Trustee.
3. 11 U.S.C. §707(a)(1) provides that the court may, after notice and a hearing, dismiss a Chapter 7 case for cause, including unreasonable delay by the debtor which is prejudicial to creditors. The failure of the debtor to appear at the §341 meeting of creditors and provide requested documents constitutes unreasonable delay which is prejudicial to the orderly administration of the debtor's estate and to creditors generally.
4. Based upon the aforesaid, the movant respectfully moves the court for an order dismissing this case.

WHEREFORE, the movant respectfully moves the court for an order dismissing this case, and for such other relief as the court deems just.

/s/ Sheldon Stein
Sheldon Stein, Trustee (0007292)
400 Terminal Tower
Post Office Box 5606
Cleveland, OH 44101
(216) 696-7449

Service and Notice

I certify that on July 11, 2017, a true and correct copy of the Motion to Dismiss was served via the court's Electronic Case Filing System on these entities of individuals who are listed on the court's Electronic Mail Notice List:

- United States Trustee (Registered address)@usdoj.gov

A copy of this document was sent by regular U.S. mail on July 11, 2017, to the debtor, Rochelle Johnson, 2335 Cleveland Blvd., Lorain, Ohio 44052.

A hearing is scheduled on the foregoing motion in courtroom 1A of the United States Bankruptcy Court, H.M. Metzenbaum U. S. Court House, 201 Superior Avenue, Cleveland, Ohio 44114, on August 8, 2017, at 10:00 a.m. to consider any written opposition to this matter which is filed and served no later than seven calendar days preceding the date scheduled for such hearing. If no opposition to this matter is filed and served within such time, the motion may be granted without a hearing.

/s/ Sheldon Stein
Sheldon Stein, Trustee